

Appln. No. 10/658,617
Reply to Office action of December 29, 2005
Response dated January 13, 2006

REMARKS

This paper is submitted in response to the Office Action mailed December 29, 2005 for the above-identified patent application.

The Examiner states that the reply filed on October 20, 2005 (certificate of facsimile transmission date October 3, 2005 and stamped received by the PTO, per PAIR, on October 7, 2005) was not fully responsive to the Office Action mailed June 1, 2005. In particular, the Examiner states that Applicants have not addressed whether commonly assigned applications 10/434,727 ("the '727 application") and 10/374,784 ("the '784 application") qualify as prior art under 35 U.S.C. 102(e), (f) or (g) for the purpose of establishing obviousness under 35 U.S.C. 103(a).

Applicants respectfully submit that the response mailed October 3, 2005 was fully responsive to the prior Office Action. Section III of the response explicitly addresses the rejection of claims 1-12 under 35 U.S.C. §103(a), relying on the '784 application qualifying as prior art under 102(e), and the rejection of claims 19-26 under 35 U.S.C. §103(a), relying on the '727 application qualifying as prior art under 102(e).

In particular, the response establishes that the subject matter claimed in the present invention is entitled to the filing date of provisional application 60/359,948 (*i.e.*, February 25, 2002). Therefore, neither the '784 application (filed February 25, 2003) nor the '727 application (filed May 8, 2003) are prior art to the present application under 35 U.S.C. 102(e). Consequently, neither the '784 application nor the '727 application may be used to establish obviousness under 35 U.S.C. 103(a). In addition, Applicants amended the independent claims of the application such that the present invention could

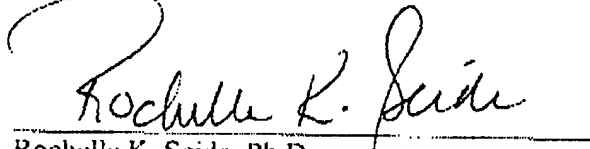
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not be anticipated, nor obvious, in view of the '784 application or the '727 application.
Accordingly, a showing that the invention was commonly owned at the time of invention under 103(c) is unnecessary.

In view of the foregoing remarks, reconsideration and allowance of the pending claims is respectfully requested.

Applicants believe that no additional fees are required in connection with this response. However, if additional fees are required, the Commissioner is hereby authorized to charge any additional payment, or credit any overpayment, to Deposit Account No. 01-2300, referencing Docket Number 027705.00026.

Respectfully submitted,



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